



## Cuba

### Country Reports on Human Rights Practices - [2003](#)

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Cuba is a totalitarian state controlled by Fidel Castro, who is chief of state with the titles of president, head of government, first secretary of the Communist Party, and commander in chief of the armed forces. Castro exercises control over all aspects of life through the Communist Party and its affiliated mass organizations, the government bureaucracy headed by the Council of State, and the state security apparatus. In March, Castro declared his intent to remain in power for life. The Communist Party is the only legal political entity, and Castro personally chooses the membership of the Politburo, the select group that heads the party. There are no contested elections for the 609-member National Assembly of People's Power (ANPP), which meets twice a year for a few days to rubber stamp decisions and policies previously decided by the governing Council of State, which Castro heads. On January 19, the Government held general elections for all 609 seats on the ANPP. The Communist Party controls all government positions, including judicial offices. The judiciary is completely subordinate to the Government and to the Communist Party.

The Ministry of Interior is the principal entity of state security and totalitarian control. Officers of the Revolutionary Armed Forces, which are led by Fidel Castro's brother, General Raul Castro, were assigned to the majority of key positions in the Ministry of Interior in the past several years. In addition to the routine law enforcement functions of regulating migration and controlling the Border Guard and the regular police forces, the Interior Ministry's Department of State Security investigated and actively suppressed political opposition and dissent. It maintained a pervasive system of surveillance through undercover agents, informers, rapid response brigades (RRBs), and neighborhood-based Committees for the Defense of the Revolution (CDRs). The Government traditionally has used the CDRs to mobilize citizens against dissenters, impose ideological conformity, and root out "counterrevolutionary" behavior. RRBs consisted of workers from a particular brigade (construction workers, a factory, etc.) that were organized by the Communist Party to react forcefully to any situation of social unrest. The Government on occasion used RRBs instead of the police or military during such situations. Members of the security forces committed numerous, serious human rights abuses.

The economy was centrally planned, with some elements of state-managed capitalism in sectors such as tourism and mining. The country's population was approximately 11 million. The economy depended heavily on primary products such as sugar and minerals, but also on its recently developed tourism industry and emigrant remittances. The economy performed poorly during the year, primarily due to inefficient policies. The annual sugar harvest was the smallest since 1933, partly as the result of a restructuring of the sugar industry that included the closure of half the country's sugar mills and the elimination of one-quarter of the jobs in the industry. Government officials predicted the economy would grow by 1.5 percent during the year. Government policy was officially aimed at preventing economic disparity, but persons with access to dollars enjoyed a significantly higher standard of living than those with access only to pesos. During the year, the Government repressed small-scale businesses and announced substantial new taxes for private room renters, imposing additional hardships for those operating in the country's small private sector. A system of "tourist apartheid" continued, whereby citizens were denied access to hotels, beaches, and resorts reserved for foreign tourists.

The Government's poor human rights record worsened, and it continued to commit numerous serious abuses. Citizens did not have the right to change their government peacefully. Although the Constitution allows legislative proposals backed by at least 10,000 citizens to be submitted directly to the ANPP, in 2002, the Government rejected a petition known as the Varela Project with more than 11,000 signatures calling for a national referendum on political and economic reforms. In October, Project Varela organizers submitted a second petition to the ANPP with more than 14,000 new signatories. Communist Party-affiliated mass organizations tightly controlled elections to provincial and national legislative bodies, resulting in the selection of single, government-approved candidates. In March, the Government arrested 75 human rights activists, independent journalists, and opposition political figures on various charges, including aiding a foreign power and violating national security laws. Authorities

subjected the detainees to summary trials and sentenced them to prison terms ranging from 6 to 28 years.

During the year, other human rights activists were arrested for acts such as possessing and publicly displaying human rights literature, receiving money and medicine from abroad for families of political prisoners, communicating with international media organizations, and organizing meetings and demonstrations to call for political reforms. Members of the security forces and prison officials continued to beat and abuse detainees and prisoners, including human rights activists. The Government failed to prosecute or sanction adequately members of the security forces and prison guards who committed abuses. Prison conditions remained harsh and life threatening, and the Government restricted medical care to some prisoners as a method of control. Prisoners died in jail due to lack of medical care. The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country. The Government used internal and external exile against such persons. The Government denied political dissidents and human rights advocates due process and subjected them to unfair trials. The Government infringed on citizens' privacy rights. The Government denied citizens the freedoms of speech, press, assembly, and association and closely monitored domestic and international journalists through physical and electronic surveillance. It limited the distribution of foreign publications and news, restricted access to the Internet, and maintained strict censorship of news and information to the public. The Government restricted some religious activities but permitted others. The Government limited the entry of religious workers to the country. The Government maintained tight restrictions on freedom of movement, including foreign travel and did not allow some citizens to leave the country. The Government was sharply and publicly antagonistic to all criticism of its human rights practices and discouraged foreign contacts with human rights activists. Violence against women, especially domestic violence, and child prostitution were problems. Racial discrimination was a problem. The Government severely restricted worker rights, including the right to form independent unions.

## RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From: a. Arbitrary and Unlawful Deprivation of Life There were no political killings; however, on April 11, the Government summarily executed three persons for hijacking a ferry, following a summary trial and a perfunctory review of the death sentences.

In March, the three men, Lorenzo Copello Castillo, Barbaro Sevilla Garcia, and Jorge Martinez Isaac, were arrested for hijacking a ferry during an effort to migrate illegally. On April 5, the Havana City Provincial Court began the trial and convicted the three men on April 8. On April 9, the Supreme Court rejected their appeal and the Council of State confirmed the death sentences. On April 11, the Government executed the men and did not advise their families until they had been buried. The Inter-American Commission on Human Rights (IACHR) and other international observers criticized the executions, in particular, the summary nature of the hijackers' trials and the absence of due process. The IACHR determined that the process leading up to the executions constituted "the arbitrary deprivation of life." Local human rights monitors noted the especially harsh nature of the punishments in view of the fact that no persons were injured during the hijacking.

During the year, there were reports that prisoners died in jail due to lack of medical care (see Section 1.c.).

### b. Disappearance

There were no reports of politically motivated disappearances.

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits abusive treatment of detainees and prisoners; however, members of the security forces sometimes beat and otherwise abused human rights advocates, detainees, and prisoners. The Government took no steps to curb these abuses. There continued to be numerous reports of disproportionate police harassment of black youths (see Section 5).

On January 22, police forced Jose Daniel Ferrer Garcia and a colleague from a bus and beat them. Ferrer was a local leader of the Christian Liberation Movement and a Project Varela organizer. In April, the Santiago Provincial Court sentenced him to 25 years' imprisonment for "acts against the independence or the territorial integrity of the State" (see Section 1.e.).

On February 11, police in Santiago Province beat Daniel Perea Garcia of the Christian Liberation Movement and

dragged him to a local police station, where he was fined and released. Perea was one of several members of the Christian Liberation Movement arrested following a series of government-organized attacks against opposition members in Santiago Province.

The Government continued to subject persons who disagreed with it to what it called acts of repudiation. At government instigation, members of state-controlled mass organizations, fellow workers, or neighbors of intended victims were obliged to stage public protests against those who dissented from the Government's policies, shouting obscenities and often causing damage to the homes and property of those targeted; physical attacks on the victims sometimes occurred. Police and state security agents often were present but took no action to prevent or end the attacks. Those who refused to participate in these actions faced disciplinary action, including loss of employment.

In January, the first secretary of the Communist Party in Granma Province and several government candidates for the January 19 ANPP elections directed several dozen persons to engage in an act of repudiation against Tania de la Torre Montesinos of the Assembly to Promote Civil Society. Government officials placed young children in front of baton-wielding adults and instructed the children to yell pro-government slogans at de la Torre.

On February 4, 100 members of an RRB attacked the home of Jesus Mustafa Felipe of the Christian Liberation Movement, shouting death threats and pro-government slogans. According to the opposition members who took refuge in Mustafa's home, several individuals sprayed a toxic pesticide into the home during the attack. On February 18, Mustafa was tried on charges of "contempt of authority" and sentenced to 18 months' imprisonment. In March, the authorities levied additional charges against Mustafa and sentenced him to 25 years' imprisonment following a summary trial (see Section 1.e.).

There were also smaller-scale acts of repudiation, known as "reuniones relampagos" or rapid repudiations. These acts were conducted by a small number of persons, usually not from the target's neighborhood, and lasted up to 30 minutes. These individuals shouted epithets and threw stones or other objects at the victim's house.

On July 30, members of a CDR shouted pro-government slogans at fellow CDR member Olga Lidia Arbolaez Crespo for having signed the Varela petition. According to an independent journalist, Arbolaez was forced to take refuge in her home when her attackers threatened to stone her for stating that citizens needed greater political freedoms and for making other "subversive statements."

Prison conditions continued to be harsh and life threatening, and conditions in detention facilities also were harsh. The Government claimed that prisoners had rights such as family visitation, adequate nutrition, pay for work, the right to request parole, and the right to petition the prison director; however, police and prison officials often denied these rights in practice, and beat, neglected, isolated, and denied medical treatment to detainees and prisoners, including those convicted of political crimes or those who persisted in expressing their views. The Penal Code prohibits the use of corporal punishment on prisoners and the use of any means to humiliate prisoners or to lessen their dignity; however, the code fails to establish penalties for committing such acts, and they continued to occur in practice. Detainees and prisoners, both common and political, often were subjected to repeated, vigorous interrogations designed to coerce them into signing incriminating statements, to force collaboration with authorities, or to intimidate victims. Some endured physical and sexual abuse, typically by other inmates with the acquiescence of guards, or long periods in punitive isolation cells. Pretrial detainees were generally held separately from convicted prisoners, although some long-term detainees, including political detainees, were held with convicted prisoners. In Havana, there were two detention centers; once sentenced, persons were transferred to a prison.

In June, political prisoner Manuel Vazquez Portal, one of 75 activists arrested by the Government in March, reported that his cell flooded with water every day and that sewage from a latrine regularly spilled into his cell. Vazquez was sentenced to 18 years' imprisonment for his work as an independent journalist (see Section 2.a.).

Prisoners sometimes were held in "punishment cells," which usually were located in the basement of a prison, were semi-dark all the time, had no water available in the cell, and had a hole for a toilet. No reading materials were allowed, and family visits were reduced to 10 minutes from 1 or 2 hours. There was no access to lawyers while in the punishment cell.

On January 31, a political reeducation officer beat jailed independent journalist Carlos Brizuela Yera for having copies of the Universal Declaration of Human Rights and a report from the international nongovernmental organization (NGO) Reporters Without Borders. Brizuela was arrested in March 2002 on charges of public disorder, resistance, and contempt for authority and remained jailed without trial.

On September 2, prison officials beat political prisoner Angel Ramon Eireos Rodriguez, of the February 24

Movement, with a club for demanding improved prison conditions. Eireos was jailed on February 28 and was serving a 20-month sentence on charges of "resistance" and "contempt for authority."

Prison guards and state security officials subjected human rights and prodemocracy activists to threats of physical violence, to systematic psychological intimidation, and to detention or imprisonment in cells with common and violent criminals, sexually aggressive inmates, or state security agents posing as prisoners.

In January, political prisoner Juan Carlos Gonzalez Leyva reported that another inmate had entered his cell during the night and attempted to bludgeon him but fled when Gonzalez Leyva awoke. Prison authorities told Gonzalez Leyva's family that they would take steps to prevent further such incidents. Gonzalez Leyva, who is blind, was arrested in March 2002 on charges of "contempt for authority, public disorder, disobedience, and resistance." Prosecutors requested a 6-year sentence for Gonzalez, but at year's end he remained jailed without trial.

On September 18, five political prisoners at 1580 Prison in Havana went on a hunger strike to demand protection from common prisoners, who were beating political prisoners at the instigation of prison guards. On September 22, police beat two of the hunger strikers, Iosvani Aguilar Camejo and Jose Enrique Santana, to induce them to give up their protest. Aguilar and Santana were among the 300 persons rounded up by the Government in February 2002 after 21 asylum seekers used a bus to break into the Mexican Embassy.

In October, seven political prisoners at Holguin Provincial Prison went on a hunger strike to protest the beating of jailed independent journalist Ivan Hernandez Carrillo by the prison official in charge of political re-education. Prison authorities denied a request by the families of the hunger strikers to see the prisoners to assess their health and barred the prisoners from otherwise communicating with their families. Prison officials ended the protest in November by separating the hunger strikers and sending them to different prisons.

In October, the family of Leonardo Bruzon Avila reported that he would be on a hunger strike from October 10 to November 11 to demand the release of all political prisoners. State Security officials reportedly offered to release Bruzon in July if he would allow himself to be filmed conversing with them. Bruzon declined the offer, suspecting authorities would use such a film falsely to allege that he was a Government agent, and officials transferred him from a medical detention facility to a regular prison. Bruzon was jailed in February 2002 on charges of civil disobedience and, at year's end, remained jailed without trial.

On December 6, a common prisoner in Holguin Provincial Prison beat 54-year-old political prisoner Adolfo Fernandez Sainz until Fernandez was unconscious. The prisoner who carried out the beating was authorized by prison guards to exercise control over other inmates. Prison officials told Fernandez the common prisoner should have beaten him harder in order to kill him. In April, Fernandez was sentenced to 15 years' imprisonment for his work as an independent journalist (see Section 2.a.).

Political prisoners were required to comply with the rules for common criminals and often were punished severely if they refused. They often were placed in punishment cells and held in isolation.

On June 9, Elsa Morejon, the wife of political prisoner Oscar Elias Biscet, reported that Biscet was being held in a tiny isolation cell for refusing to wear a prison uniform. Morejon asserted that common prisoners were permitted to wear their civilian clothes and believed that Biscet was being singled out for punishment because of his political views. Biscet's cell was sealed to prevent daylight from entering, and he was not permitted to leave his cell for exercise or to have a Bible. The authorities barred Biscet from receiving visitors from March until August, when he was permitted to see his wife. Biscet's conditions improved in August, although he continued to refuse to wear the prison uniform. In November, he was placed in a punishment cell with a convicted murderer for 21 days for allegedly inciting other prisoners to demand improved treatment by prison officials and authorities again suspended family visits. In December, authorities advised Morejon that Biscet would be placed in a punishment cell indefinitely for failing to show proper deference to prison officials. Biscet was 1 of 75 political detainees subjected to summary trials in April (see Section 1.e.).

The Government regularly failed to provide adequate nutrition and medical attention, and a number of prisoners died during the year due to lack of medical attention. Both the IACHR and the former U.N. Special Rapporteur on the country, as well as other human rights monitoring organizations, have reported the widespread incidence in prisons of tuberculosis, scabies, hepatitis, parasitic infections, and malnutrition. On July 30, Amnesty International (AI) expressed concern to the Government regarding the poor health of numerous political prisoners, the limitations on family visits for some political prisoners, and the incarceration of many political prisoners far from their home provinces. The Government did not respond to AI.

In May, Miriam Leyva, the wife of jailed independent journalist Oscar Espinosa Chepe, reported that prison officials were failing to provide adequate medical treatment for Chepe, who suffers from liver disease, high blood pressure, intestinal polyps, and other illnesses. Chepe was 1 of 28 independent journalists sentenced to long prison terms in April following summary trials (see Section 2.a.). According to Leyva, Chepe lost 25 pounds due to diarrhea and lack of medical care in the weeks following his arrest, conditions aggravated by his transfer to a prison 500 miles from Havana. Prison officials refused Leyva's numerous requests to see Chepe or to provide him medication. A prison doctor informed Leyva that State Security agents, rather than medical staff, determined what medication would be administered to Chepe. In August, prison officials transferred Chepe to a military hospital in Havana, where he received improved medical care and was permitted to see his wife but remained in poor health. Leyva complained that prison officials limited her access to Chepe's doctors and kept Chepe heavily sedated.

In July, jailed independent journalist Juan Carlos Herrera Acosta reported that common prisoner Carlos Duane died of a heart attack after prison medical officials repeatedly refused to respond to Duane's complaints of chest pains.

Prison officials regularly denied prisoners other rights, such as the right to correspondence, and continued to confiscate medications and food brought by family members for political prisoners. Some prison directors routinely denied religious workers access to detainees and prisoners. Reading materials, including Bibles, were not allowed in punishment cells.

In September, officials at Kilo 8 Prison in Camaguey Province threatened to suspend family visits for nine political prisoners who read aloud to each other from the Bible. The nine prisoners, Eduardo Diaz Fleites, Ricardo Gonzalez Alfonso, Lester Gonzalez Penton, Juan Carlos Herrera Acosta, Regis Iglesias Ramirez, Jose Miguel Martinez, Omar Rodriguez Saludes, Claro Sanchez Altarriba, and Miguel Valdes Tamayo, were among the 75 activists and independent journalists arrested in March and sentenced to long prison terms following summary trials (see Section 1.e.).

There were separate prison facilities for women and for minors. Conditions of these prisons, especially for women, did not take into account the special needs of women. Human rights activists believed that conditions were poor.

The Government did not permit independent monitoring of prison conditions by international or national human rights monitoring groups. The Government has refused to allow prison visits by the International Committee of the Red Cross (ICRC) since 1989.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention continued to be problems, and they remained the Government's most effective and commonly used tactics for harassing opponents. The Law of Penal Procedures requires police to file formal charges and either release a detainee or bring the case before a prosecutor within 96 hours of arrest. It also requires the authorities to provide suspects with access to a lawyer within 7 days of arrest. However, the Constitution states that all legally recognized civil liberties can be denied to anyone who actively opposes the decision of the people to build socialism. The authorities routinely invoked this sweeping authority to deny due process to those detained on purported state security grounds.

The Ministry of the Interior exercises control over police and internal security forces. The National Revolutionary Police (PNR) is the primary law enforcement organization and was generally effective in investigating common crimes. Specialized units of the Ministry of the Interior are responsible for monitoring, infiltrating and suppressing opposition political groups, although the PNR does play a supporting role by carrying out house searches and providing interrogation facilities for State Security agents. There were few reports of corruption, although authorities arrested several PNR officers in January on corruption charges during a crackdown on narcotics trafficking and other illegal activities.

The authorities routinely engaged in arbitrary arrest and detention of human rights advocates, subjecting them to interrogations, threats, and degrading treatment and unsanitary conditions for hours or days at a time. Police frequently lacked warrants when carrying out arrests or issued warrants themselves at the time of arrest. Authorities sometimes employed false charges of common crimes to arrest political opponents. Detainees often were not informed of the charges against them. The authorities continued to detain human rights activists and independent journalists for short periods, often to prevent them from attending or participating in events related to human rights issues (see Sections 2.a. and 2.b.). The authorities also placed such activists under house arrest for short periods for similar reasons.

In March, authorities arrested 75 human rights activists, journalists, and opposition political figures, charging them with various crimes, including national security violations and aiding a foreign power. The U.N. High Commissioner for Human Rights expressed concern regarding the arrests and summary trials, as did many governments, international organizations, and public figures. The 75 political prisoners included 28 independent journalists, 9 independent librarians, and at least 21 persons affiliated with the Varela petition. Several of the prisoners were elderly; 21 of the prisoners were over the age of 50.

In mid-March, police arrested Regis Iglesias Ramirez of the Christian Liberation Movement on charges of "acts against the independence or the territorial integrity of the State." On April 5, the Havana City Provincial Court sentenced Iglesias, a Project Varela organizer, to 18 years' imprisonment (see Section 1.e.).

On March 18, Ministry of the Interior officials arrested poet and independent journalist Raul Rivero on charges that he carried out "acts against the independence or the territorial integrity of the State." On April 5, he was convicted and sentenced to 20 years' imprisonment (see Section 2.a.).

On March 20, Ministry of the Interior officials arrested Martha Beatriz Roque of the Assembly to Promote Civil Society for acts against the independence or the territorial integrity of the State.

On March 25, police arrested human rights monitor Marcelo Manuel Lopez Banobre of the Cuban Commission for Human Rights and National Reconciliation after he visited a foreign embassy in Havana. The authorities subjected Lopez to a summary trial and sentenced him to 15 years' imprisonment under Article 91 of the Penal Code, acts against the independence or the territorial integrity of the State (see Section 1.e.). He was penalized in part for his work on behalf of AI and other international human rights organizations.

Many of the 75 activists subjected to summary trials in April reported that they had little or no access to a lawyer and many were only advised of the charges against them as the trials were about to begin. For example, independent journalist Manuel Vazquez Portal was arrested on March 19 but was not able to see a lawyer until the day of his trial on April 4.

There were at least 32 political detainees awaiting trial at year's end. Most of the 32 had been held for more than 1 year.

According to relatives, approximately 9 of the 300 persons arrested near the Mexican Embassy in February 2002 remained jailed without trial at year's end.

The Government often held persons without charges for months and then released them, which avoided the spectacle of a trial.

State security police used detentions and warnings to prevent organizations around the country from performing any actions in remembrance of the four pilots killed in February 1996 by military aircraft.

The authorities sometimes detained independent journalists in order to question them about contacts with foreigners or to prevent them from covering sensitive issues or criticizing the Government (see Section 2.a.).

Time in detention before trial counted toward time served if convicted. Bail was available and usually was low and more equivalent to a fine.

The Penal Code includes the concept of "dangerousness," defined as the "special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of socialist norms." If the police decide that a person exhibits signs of dangerousness, they may bring the offender before a court or subject him to therapy or political reeducation. Government authorities regularly threatened prosecution under this provision. Both the U.N. Commission on Human Rights and the IACHR criticized this tactic for its subjectivity, the summary nature of the judicial proceedings employed, the lack of legal safeguards, and the political considerations behind its application. According to the IACHR, the so-called special inclination to commit crimes referred to in the Penal Code amounted to a subjective criterion used by the Government to justify violations of individual freedoms and due process for persons whose sole crime was to hold a view different from the official view.

The Government also used exile as a tool for controlling and eliminating internal opposition. The Penal Code permits the authorities to bar an individual from a certain area or to restrict an individual to a certain area for a period of from 1 to 10 years. Under this provision, authorities may exile any person whose presence in a given

location would be "socially dangerous."

On May 23, Ministry of the Interior officers advised independent journalist Oscar Mario Gonzalez that he should not return from a planned trip to Spain. The officials warned Gonzalez that he could be jailed for 25 years if he continued to work as a journalist.

The Government pressured imprisoned human rights activists and political prisoners to apply for emigration and regularly conditioned their release on acceptance of exile. Human Rights Watch (HRW) observed that the Government routinely invoked forced exile as a condition for prisoner releases and also pressured activists to leave the country to escape future prosecution. AI expressed particular concern about the Government's practice of threatening to charge, try, and imprison human rights advocates and independent journalists prior to arrest or sentencing if they did not leave the country. According to AI, this practice "effectively prevents those concerned from being able to act in public life in their own country."

#### e. Denial of Fair Public Trial

The Constitution provides for independent courts; however, it explicitly subordinates the courts to the ANPP and the Council of State. The ANPP and its lower level counterparts choose all judges. The subordination of the courts to the Communist Party, which the Constitution designates as the superior directive force of society and the State, further compromises the judiciary's independence. The courts undermined the right to a fair trial by restricting the right to a defense and often failed to observe the few due process rights available to defendants.

Civilian courts existed at the municipal, provincial, and supreme court levels. Panels composed of a mix of professionally certified and lay judges presided over them. There was a right to appeal, access to counsel, and charges were generally known to the defendant, although several political detainees subjected to summary trials in April were unaware of the charges against them until moments before their trials were set to begin. Defendants enjoyed a presumption of innocence, but the authorities often ignored this right in practice.

Military tribunals assumed jurisdiction for certain counterrevolutionary cases and were governed by a special law. The military tribunals processed civilians if a member of the military was involved with civilians in a crime. There was a right to appeal, access to counsel, and the charges were known to the defendant.

The law and trial practices did not meet international standards for fair public trials. Almost all cases were tried in less than 1 day; there were no jury trials. While most trials were public, trials were closed when there were alleged violations of state security. Prosecutors may introduce testimony from a CDR member about the revolutionary background of a defendant, which may contribute to either a longer or shorter sentence. The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases such as those involving maximum prison terms or the death penalty. Appeals in capital cases are automatic. The Council of State ultimately must affirm capital punishment.

Criteria for presenting evidence, especially in cases involving human rights advocates, were arbitrary and discriminatory. Often the sole evidence provided, particularly in political cases, was the defendant's confession, usually obtained under duress and without the legal advice or knowledge of a defense lawyer (see Section 1.c.). The authorities regularly denied defendants access to their lawyers until the day of the trial. Several dissidents who served prison terms reported that they were tried and sentenced without counsel and were not allowed to speak on their own behalf.

In early April, the Government summarily tried 75 independent journalists, human rights activists, and members of the political opposition for alleged acts against the independence or the territorial integrity of the State or aiding a foreign power. All 75 of the detainees were arrested, tried, convicted, and sentenced within a period of 20 days. On April 9, the Government asserted the 75 detainees were provided adequate legal guarantees during the trials; however, the families of the detainees disputed that assertion. Most defense attorneys for the 75 detainees had less than 24 hours to prepare for trial, and several defendants were unaware that they were going to be tried until the moment they were escorted into the courtroom. The authorities permitted small numbers of family members to attend the trials but excluded public and diplomatic observers and packed the courtrooms with regime supporters. The family of Luis Enrique Ferrer Garcia of the Christian Liberation Movement was barred from the courtroom during his trial, and members of the public reportedly pushed Ferrer's 56-year-old mother to the ground as she waited outside for the verdict. Much of the evidence against the defendants consisted of unsubstantiated or unspecified allegations of activities against the Government on behalf of a foreign power and vague accusations of "counterrevolutionary" behavior. The testimony provided by 12 State Security agents infiltrated into opposition groups consisted primarily of attacks against the character of several of the defendants. In June, AI found that, "the conduct for which dissidents were prosecuted was not self-evidently criminal; it was nonviolent and appeared to fall

within the parameters of the legitimate exercise of fundamental freedoms as provided under international standards." AI determined that all 75 jailed activists were "prisoners of conscience."

The law provides the accused with the right to an attorney, but the control that the Government exerted over the livelihood of members of the state-controlled lawyers' collectives compromised their ability to represent clients, especially when they defended persons accused of state security crimes. Attorneys reported reluctance to defend those charged in political cases due to fear of jeopardizing their own careers.

On April 4, the Havana City Provincial Court sentenced Martha Beatriz Roque Cabello of the Assembly to Promote Civil Society to 20 years' imprisonment for "activities aimed at subverting the internal order of the Cuban State" and for allegedly receiving funds from and maintaining links to a foreign government. Prosecutors, who had requested a life sentence for Roque, failed to specify how Roque's activities had threatened the stability of the Government. Roque was arrested on March 20 while undertaking a fast to draw attention to the case of Oscar Elias Biscet and other political prisoners.

On April 5, the Havana City Provincial Court sentenced Pedro Pablo Alvarez Ramos of the United Cuban Workers Council to 25 years' imprisonment for acts against the independence or the territorial integrity of the State. Much of the evidence against Alvarez consisted of an inventory of materials in his possession, including a fax machine, fax paper, and a video camera, as well as evidence of his contacts with unions in Latin America and Europe (see Section 6.a.).

On April 5, the Havana City Provincial Court sentenced Antonio Diaz of the Christian Liberation Movement to 18 years' imprisonment for acts against the independence or the territorial integrity of the State. The sentencing document indicated that business cards found in Diaz' possession demonstrated his links to foreign diplomats and that these links, together with Diaz' comments to foreign media and his possession of "counterrevolutionary" books, constituted a grave threat to national security.

On April 8, the Havana City Provincial Court sentenced Oscar Elias Biscet of the Lawton Human Rights Foundation to 25 years' imprisonment for unspecified acts against the independence or territorial integrity of the State. At the time of his trial, Biscet was in detention on separate charges of public disorder stemming from his arrest in December 2002 for attempting to organize a human rights seminar. Biscet was released from prison in October 2002 after serving a 3-year sentence for "insulting the symbols of the Fatherland" and public disorder.

Human rights monitoring groups inside the country estimated the number of political prisoners to be between 300 and 400 persons. The authorities imprisoned persons on charges such as disseminating enemy propaganda, illicit association, contempt for the authorities (usually for criticizing President Castro), clandestine printing, or the broad charge of rebellion, which often was brought against advocates of peaceful democratic change. The Government did not permit access to political prisoners by human rights organizations. It continued to deny access to prisoners by the ICRC.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Constitution provides for the inviolability of a citizen's home and correspondence, official surveillance of private and family affairs by government-controlled mass organizations, such as the CDRs, remained one of the most pervasive and repressive features of daily life. The Government employed physical and electronic surveillance against nonviolent political opponents. The State assumed the right to interfere in the lives of citizens, even those who did not oppose the Government and its practices actively. The authorities utilized a wide range of social controls. The mass organizations' ostensible purpose was to improve the citizenry, but in fact their goal was to discover and discourage nonconformity. Although official statistics indicated that CDRs have grown over the past decade and included 93.5 percent of the population over the age of 14, in reality, citizen participation in these mass organizations declined. The economic crisis both reduced the Government's ability to provide material incentives for their participation and forced many persons to engage in black market activities, which the mass organizations were supposed to report to the authorities.

The Interior Ministry employed an intricate system of informants and block committees (the CDRs) to monitor and control public opinion. While less capable than in the past, CDRs continued to report on suspicious activity, including conspicuous consumption; unauthorized meetings, including those with foreigners; and defiant attitudes toward the Government and the revolution.

The Government controlled all access to the Internet, and all electronic mail messages were subject to censorship.



Dial-up Internet service was prohibitively expensive for most citizens. The Interior Ministry's Department of State Security often read international correspondence and monitored overseas telephone calls and conversations with foreigners. The Government also monitored domestic phone calls and correspondence. The Government sometimes denied telephone service to political dissidents. Cell phones generally were not available to average citizens.

In April, authorities revealed that they used hotel waiters and other nonofficial persons to monitor the conversations of regime opponents in public places. Government prosecutors used testimony by waiters at the Hotel Nacional in Havana to help convict and sentence to lengthy prison terms the 75 political opponents during summary trials in April (see Section 1.e.).

In early August, officers of the Ministry of the Interior threatened to arrest the wife of political prisoner Blas Giraldo Reyes Rodriguez if she continued to receive activists who visited her to express sympathy for the jailing of her husband. Police told Isel de las Mercedes Acosta Obregon that they would try her for violating the Law to Protect National Independence and the Economy (Law 88) (see Section 2.a.) if she did not cease "counterrevolutionary activities."

On September 5, police threatened to take the 3-month-old daughter of Milka Pena, the wife of political prisoner Luis Enrique Ferrer Garcia. Police also warned Pena that they could prevent her from receiving remittances from abroad, her major source of income since the jailing of her husband in March. Police did not explain why they were threatening Pena, but she assumed it was because she had a sign on her home calling for the release of political prisoners.

There were numerous credible reports of forced evictions of squatters and residents who lacked official permission to reside in Havana. The number of forced evictions increased throughout the country during the year as the Government enforced new, stricter regulations against housing "illegalities."

On January 14, police in Santa Clara Province evicted 11 families from their houses and demolished the structures, despite the fact that the owner of the property authorized the families to settle there. The authorities gave the families 72 hours to remove their belongings before evicting them.

In late September, police evicted Hilda Machado from her home in Havana Province for building a home without the required permit. Machado complained that she previously paid a fine for building without a permit, but had been allowed to continue construction. Several dozen neighbors protested Machado's eviction but were unable to stop officials from seizing her property.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for citizens' freedoms of speech and press insofar as they "conform to the aims of socialist society"; this clause effectively bars free speech. In law and in practice, the Government did not allow criticism of the revolution or its leaders. Laws against anti-government propaganda, graffiti, and disrespect of officials impose penalties between 3 months and 1 year in prison. If President Castro or members of the ANPP or Council of State were the objects of criticism, the sentence could be extended to 3 years. Charges of disseminating enemy propaganda, which included merely expressing opinions at odds with those of the Government, could bring sentences of up to 14 years. In the Government's view, such materials as the Universal Declaration of Human Rights, international reports of human rights violations, and mainstream foreign newspapers and magazines constituted enemy propaganda. Local CDRs inhibited freedom of speech by monitoring and reporting dissent or criticism. Police and state security officials regularly harassed, threatened, and otherwise abused human rights advocates in public and private as a means of intimidation and control.

The Constitution states that print and electronic media are state property and can never become private property. The Communist Party controlled all media except for a few small church-run publications. The Penal Code bars "clandestine printing" and provides for 3 to 6 months' imprisonment for failure to identify the author of a publication or the printing press used to produce the publication. Even the Catholic church-run publications, denied access to mass printing equipment, were subject to governmental pressure. Vitral magazine, a publication of the diocese of Pinar del Rio, continued to publish during the year, although officials publicly described it as "counterrevolutionary propaganda." In March, the Cuban Conference of Catholic Bishops indicated that the Church did not register its publications with the Ministry of Culture as required by law because registration would force it to concede control to the State.

Citizens did not have the right to receive publications from abroad, although news stands in hotels for foreigners and certain hard currency stores sold foreign newspapers and magazines. The Government continued to jam the transmission of Radio Marti and Television Marti. Radio Marti broadcasts at times overcame the jamming attempts on short-wave bands, but its medium-wave transmissions were blocked completely in Havana. Security agents subjected dissidents, foreign diplomats, and journalists to harassment and surveillance, including electronic surveillance.

All legal media must operate under party guidelines and reflect government views. The Government attempted to shape media coverage to such a degree that it not only exerted pressure on domestic journalists but also pressured groups normally outside the official realm of control, such as visiting and resident international correspondents. The Government barred some foreign journalists from entering the country.

The 1999 Law to Protect National Independence and the Economy (Law 88) outlaws a broad range of activities that undermine state security and toughens penalties for criminal activity. Under the law, anyone possessing or disseminating literature deemed subversive, or supplying information that could be used by U.S. authorities in the application of U.S. legislation, may be subject to fines and prison terms of 7 to 20 years for each charge. The authorities convicted more than 30 independent journalists and human rights activists under Law 88 during the year, sentencing them to prison terms of up to 27 years. AI expressed "grave concern" regarding the application of Law 88, which it said appeared to place "unlawful restrictions on internationally-recognized rights."

The authorities arrested 28 independent journalists in March and subjected them to summary trials on charges of violating Law 88 or for alleged acts against the security of the State. All were convicted and sentenced to terms ranging from 14 to 27 years' imprisonment. On April 4, the IACHR Special Rapporteur for Freedom of Expression expressed "grave concern" about the actions taken against independent journalists and urged the Government to respect freedom of expression and information. The international press freedom organizations Reporters Without Borders (RSF) and the Committee to Protect Journalists (CPJ) also criticized the arrests and trials of the independent journalists. RSF launched a public campaign on behalf of the imprisoned journalists, identifying the country as the "Biggest Prison in the World for Journalists."

On April 5, the Havana City Provincial Court sentenced Raul Rivero, director of the independent Cuba Press news agency, to 20 years' imprisonment for acts against the independence or the territorial integrity of the State. The sentencing document indicated Rivero was convicted for receiving payment for stories submitted to foreign news publications and for maintaining links with foreign diplomats and international NGOs, including RSF. The court alleged that Rivero filed false or misleading stories for personal gain, noting that he had used his income to purchase rugs, an air conditioner, and plastic chairs.

On April 5, the Havana City Provincial Court convicted Ricardo Gonzalez Alonso of the Cuba Press news agency of acts against the independence or territorial integrity of the State and sentenced him to 20 years' imprisonment. The sentencing document focused on Gonzalez' publication of the magazine *De Cuba*, which included articles by opposition political figures. The document also indicated Gonzalez maintained a library that included "counterrevolutionary" literature, had contacts with foreign diplomats, and received food, money, and medicine from exile organizations abroad.

On April 5, the Havana City Provincial Court sentenced independent journalist Manuel Vazquez Portal to 18 years' imprisonment for violating Law 88. The court determined that Vazquez received small payments for news stories that were "seditious and aggressive towards the revolutionary process." In September, the CPJ selected Vazquez as one of four winners of the annual International Press Freedom Award.

On April 6, the Havana City Provincial Court sentenced independent journalist Oscar Espinosa Chepe to 20 years' imprisonment for violating Law 88 and for acts against the independence or territorial integrity of the State. The court convicted Chepe for filing "false or distorted" news stories to foreign news organizations for payments of \$15 to \$100. Chepe was 62 years old and in poor health (see Section 1.c.).

The Government continued to subject independent journalists to internal travel bans; arbitrary and periodic detentions (overnight or longer); harassment of family and friends; seizures of computers, office, and photographic equipment; and repeated threats of prolonged imprisonment (see Sections 1.d., 1.f., and 2.d.). Independent journalists in Havana reported that threatening phone calls and harassment of family members continued during the year. The authorities also placed journalists under house arrest to prevent them from reporting on conferences sponsored by human rights activists, human rights events, and court cases against activists. AI, HRW, the Inter-American Press Association, RSF, and the CPJ criticized the imprisonment of journalists and the Government's continued practice of detaining independent journalists and others simply for exercising their right to free speech. In

addition, police increasingly tried to prevent independent journalists from covering so-called sensitive events (see Section 1.d.).

In April, the Government revealed that purported independent journalists Manuel David Orrio and Nestor Baguer were agents of the Ministry of the Interior assigned to infiltrate and report on independent journalists. Both Orrio and Baguer testified on behalf of the State against independent journalists during summary trials of 75 activists in April.

On February 13, the authorities expelled Argentine journalist Fernando Ruiz Parra from the country for meeting with dissidents.

During the year, at least four independent journalists were denied the right to emigrate, including Manuel Vazquez Portal, Jorge Olivera, Normando Hernandez, and Dorka Cespedes. Vazquez, Olivera, and Hernandez were among the 28 independent journalists subjected to summary trials and lengthy prison sentences in April.

The authorities often confiscated equipment when arresting journalists, particularly photographic and recording equipment. It was possible to buy a fax machine or computer, payable in dollars; however, even if a receipt could be produced, police often confiscated equipment and used it as evidence against the journalists. Photocopiers and printers either were impossible to find on the local market or were not sold to individuals, which made them a particularly valuable commodity for journalists.

Resident foreign correspondents reported that the very high level of government pressure experienced since 2000, including official and informal complaints about articles, continued throughout the year. The Government exercised its ability to control members of the resident foreign press by requiring them to obtain an exit permit each time they wished to leave the country. The Government also forced foreign correspondents to hire local staff from government agencies.

Distribution of information continued to be controlled tightly. Importation of foreign literature was controlled, and the public had no access to foreign magazines or newspapers. Leading members of the Government asserted that citizens did not read foreign newspapers and magazines to obtain news because they did not speak English and had access to the daily televised round tables on issues with which they needed to concern themselves. The Government sometimes barred independent libraries from receiving materials from abroad and seized materials donated by foreign diplomats.

In March, authorities arrested nine independent librarians and charged them with violating Law 88 or for acts against the independence or the territorial integrity of the State. All nine, including Raul Rivero, Victor Rolando Arroyo, Ivan Hernandez Carrillo, Jose Luis Garcia Paneque, Ricardo Gonzalez, Roberto de Miranda, Blas Giraldo Reyes, Jose Miguel Martinez Hernandez, and Omar Pernet Hernandez, were subjected to summary trials and sentenced to 13 to 26 years' imprisonment.

In late September, police in Holguin Province confiscated 250 books and 2 typewriters from independent librarian Lorenzo Garcia Rodriguez. Garcia reported that police stationed an officer outside his home following a 3-hour search of his belongings and that he was under constant police surveillance, even when he attended Mass.

The Government controlled all access to the Internet, and all electronic mail messages were subject to government review and censorship. Access to computers and peripheral equipment was limited, and the Internet only could be accessed through government-approved institutions. Dial-up access to government-approved servers was prohibitively expensive for most citizens. E-mail use grew slowly as the Government allowed access to more users; however, the Government generally controlled its use, and only very few persons or groups had access. During the year, the Government blocked instant messaging programs and reportedly increased efforts to identify unauthorized Internet and e-mail users. In 2002, the Government opened a national Internet gateway to some journalists, artists, and municipal-level youth community centers, but the authorities continued to restrict the types and numbers of international sites that could be accessed. The Government did not permit Catholic Church representatives to have access to the Internet.

The Government officially prohibits all diplomatic missions in Havana from printing or distributing publications, particularly newspapers and newspaper clippings, unless these publications exclusively address conditions in a mission's home country and prior government approval is received. Many missions did not accept this requirement and distributed materials; however, the Government's threats to expel embassy officers who provided published materials had a chilling effect on some missions. On September 11, the Government shut down the Spanish Cultural Center for allegedly undertaking activities outside the scope of cultural exchange; the Government did not

specify which activities constituted the alleged violation.

The Government restricted literary and academic freedoms and continued to emphasize the importance of reinforcing revolutionary ideology and discipline more than any freedom of expression. The educational system taught that the State's interests took precedence over all other commitments. Academics, government journalists, and other government officials were prohibited from meeting with some diplomats without prior approval from the Ministry of Foreign Affairs. The Ministry of Education required teachers to evaluate students' and their parents' ideological character and to place such evaluations in school records. These reports directly affected students' educational and career prospects. As a matter of policy, the Government demanded that teaching materials for courses such as mathematics or literature have an ideological content. Government efforts to undermine dissidents included denying them advanced education and professional opportunities. President Castro stated publicly that the universities were available only to those who shared his revolutionary beliefs.

Artistic expression was less restricted. The Government encouraged the cultural community to attain the highest international standards and to sell its work overseas for hard currency.

#### b. Freedom of Peaceful Assembly and Association

Although the Constitution grants limited rights of assembly and association, these rights are subject to the requirement that they may not be "exercised against the existence and objectives of the Socialist State." The law punishes any unauthorized assembly of more than three persons, including those for private religious services in private homes, by up to 3 months in prison and a fine. The authorities selectively enforced this prohibition and often used it as a legal pretext to harass and imprison human rights advocates.

The Government's policy of selectively authorizing the Catholic Church to hold outdoor processions at specific locations on important feast days continued during the year. On September 8, the Government permitted for the sixth consecutive year a procession in connection with Masses in celebration of the feast day of Our Lady of Charity in Havana. A number of activists participated in the procession. The authorities permitted a total of 50 processions nationwide to mark the feast day of Our Lady of Charity but denied 14 others. The Government also denied permits for separate processions in the towns of Managua and East Havana on political grounds (see Section 2.c.).

The authorities never have approved a public meeting by a human rights group and often detained activists to prevent them from attending meetings, demonstrations, or ceremonies (see Section 1.d.). There were unapproved meetings and demonstrations, which the Government frequently disrupted or attempted to prevent. The authorities sometimes used or incited violence against peaceful demonstrators.

In June and July, officials of the Ministry of the Interior threatened to arrest the 10 to 20 wives of political prisoners who staged silent marches after attending Mass together at Havana's Santa Rita Church. In several instances, the authorities also threatened to terminate family visits with the political prisoners or to otherwise retaliate against the prisoners for their spouses' displays of support. The spouses stopped walking together as a result of the threats, but continued to attend the same Mass.

The Government organized marches on May Day and held a rally, "Tribuna Abierta," every Saturday in a different municipality in the country. There was both radio and television coverage of the weekly rally. The Government employed CDRs and officials in the workplace to compel mass participation in these events.

The Government generally denied citizens the freedom of association. The Penal Code specifically outlaws illegal or unrecognized groups. The Minister of Justice, in consultation with the Interior Ministry, decides whether to give organizations legal recognition. The authorities never have approved the existence of a human rights group. However, there were a number of professional associations that operated as NGOs without legal recognition, including the Association of Independent Teachers, the Association of Independent Lawyers (Agramonte), the Association of Independent Architects and Engineers, and several independent journalist organizations. The Constitution proscribes any political organization other than the Communist Party (see Section 3).

Recognized churches (see Section 2.c.), the Roman Catholic humanitarian organization Caritas, the Masonic Lodge, small human rights groups, and a number of nascent fraternal or professional organizations were the only associations outside the control or influence of the State, the Communist Party, and their mass organizations. With the exception of the Masons, who had been established in the country for more than a century, the authorities continued to ignore those groups' applications for legal recognition, thereby subjecting members to potential charges of illegal association. All other legally recognized NGOs were affiliated at least nominally with or controlled

by the Government.

c. Freedom of Religion

The Constitution recognizes the right of citizens to profess and practice any religious belief within the framework of respect for the law; however, in law and in practice, the Government continued to restrict freedom of religion. In general, unregistered religious groups continued to experience various degrees of official interference, harassment, and repression. The Government's main interaction with religious denominations was through the Office of Religious Affairs of the Communist Party. The Ministry of Interior engaged in active efforts to control and monitor the country's religious institutions, including through surveillance, infiltration, and harassment of religious professionals and practitioners. The Government's policy of permitting apolitical religious activity to take place in government-approved sites remained unchanged; however, citizens worshiping in officially sanctioned churches often were subjected to surveillance by state security forces, and the Government's efforts to maintain a strong degree of control over religion continued.

The Constitution provides for the separation of church and State. In 1991, the Government allowed religious adherents to join the Communist Party. A 1992 constitutional amendment prohibits religious discrimination and removed references to "scientific materialism" (i.e., atheism) as the basis for the State. The Government does not favor any one particular religion or church; however, the Government appeared to be most tolerant of those churches that maintained close relations to the State through the Cuban Council of Churches (CCC). The CCC is generally supportive of government policies. Members of the armed forces do not attend religious services in uniform, probably to avoid possible reprimand by superiors.

The Government requires churches and other religious groups to register with the provincial registry of associations within the Ministry of the Interior to obtain official recognition. In practice, the Government refused to recognize new denominations; however, the Government tolerated some religions, such as the Baha'i Faith and a small congregation of the Church of Jesus Christ of Latter-day Saints. Unregistered religious groups were subject to official interference, harassment, and repression. The Government, with occasional exceptions, prohibited the construction of new churches, forcing many growing congregations to violate the law and meet in private homes.

Government harassment of private houses of worship continued, with evangelical denominations reporting evictions from houses used for these purposes. According to the CCC, most of the private houses of worship that the Government closed were unregistered, making them technically illegal. In addition, CCC Pentecostal members complained about the preaching activities of foreign missionaries that led some of their members to establish new denominations without obtaining the required permits. Because of these complaints by the Pentecostals, the CCC formally requested overseas member church organizations to assist them in dissuading foreign missionaries from establishing Pentecostal churches.

In 1998, following the visit of Pope John Paul II, the country's Roman Catholic bishops called on the Government to recognize the Catholic Church's role in civil society and the family, as well as in the temporal areas of work, the economy, the arts, and science and technology. The Government continued to limit the Catholic Church's access to the media and to the Internet and refused to allow the Catholic Church to have a legal independent printing capability. It maintained a prohibition against the establishment of religious-affiliated schools. In February, the Archbishop of Havana issued a pastoral letter lamenting the disintegration of families and the extreme pressure to emigrate and called upon the Government to shift from "policies of vengeance" to "policies of compassion." In March, the country's Ambassador to the Vatican asserted in an Italian magazine that complete religious freedom existed in the country and urged the Catholic Church to register its publications with the Ministry of Culture. The Cuban Conference of Catholic Bishops sent an open letter to the magazine criticizing the Government's strict control over the activities of the Catholic Church, especially state restrictions on religious education and Church access to the mass media. The Bishops' letter noted that the Catholic Church declined to register its publications because registration would force it to concede control to the State regarding the subject matter, number of pages, frequency, and number of copies of Catholic Church publications. In September, the Conference of Catholic Bishops issued a document accusing the Government of imposing tighter restrictions on the Church and on society since the visit of Pope John Paul II, and calling on the Government to show clemency towards political prisoners.

On May 15, local officials in the town of Managua in Havana Province revoked authorization for a procession to mark the feast day of the patron saint of Managua. Although the authorities permitted the procession to take place for the first time in 2002, officials told Pablo Fuentes, the local Catholic priest, that they had revoked authorization for the procession because Fuentes was politically "unreliable." In September, the Office of Religious Affairs of the Communist Party advised Fuentes, a Spanish national, that the Government would not extend his authorization to remain in the country.

In mid-July, Communist Party officials in the city of East Havana barred a procession for the feast day of the Virgin of Carmen because the parish priest was a friend of Christian Liberation Movement leader Oswaldo Paya. Communist Party officials told the priest that he should inform his congregation that the Government had barred the procession specifically because of his friendship with Paya.

The Government allowed 9 foreign priests and 18 nuns to enter the country to replace other priests and nuns whose visas had expired. The applications of 60 priests and other religious workers remained pending at year's end, as did a request from the Conference of Catholic Bishops for the Government to permit 15 Catholic orders to establish a presence in the country; the lack of approval limited the training of Cuban seminarians.

In the past several years, the Government relaxed restrictions on some religious denominations, including Seventh-day Adventists and Jehovah's Witnesses. Jehovah's Witnesses, once considered "active religious enemies of the revolution," were allowed to proselytize door-to-door and generally were not subjected to overt government harassment, although there were sporadic reports of harassment by local Communist Party and government officials.

Education is secular, and no religious educational institutions are allowed. There were no reports that parents were restricted from teaching religion to their children.

The Government continued to prevent any national or joint enterprise (except those with specific authorization) from selling computers, fax machines, photocopiers, or other equipment to any church at other than official--and exorbitant--retail prices. Religious literature and materials must be imported through a registered religious group and can only be distributed to officially recognized religious groups. In punishment cells, prisoners were denied access to reading materials, including Bibles (see Section 1.c.).

The CCC continued to broadcast a monthly 15-minute program on a national classical music radio station on the condition that the program could not include material of a political character.

State security officials visited some priests and pastors prior to significant religious events, ostensibly to warn them that dissidents were trying to "use the Church"; however, some critics claimed that these visits were done in an effort to foster mistrust between the churches and human rights or prodemocracy activists. State security officers also regularly harassed human rights advocates who sought to attend religious services commemorating special feast days or before significant national days, sometimes entering churches and disrupting religious ceremonies.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government severely restricted freedom of movement. The Government generally did not impose legal restrictions on domestic travel; however, it limited migration to Havana, and initially restricted persons found to be HIV-positive to sanatoriums for treatment and therapy before conditionally releasing them into the community. For the past several years, state security officials prohibited human rights advocates and independent journalists from traveling outside their home provinces, and the Government also sentenced others to internal exile.

In early August, officers of the Ministry of the Interior in Pinar del Rio Province warned dissident Hector Ramon Novo Suarez that he could not travel to the city of Havana. The officials told Novo that he would be tried for "contempt for authority" if he ignored their instructions and traveled to Havana.

Decree 217 prohibits persons in other provinces from moving into Havana on the grounds that if internal migration was left unchecked, the city's problems regarding housing, public transport, water, and electrical supplies would become worse; visits to the city were permissible. Police frequently checked the identification of persons on the streets, and if someone from another province was found living in Havana illegally, that person was fined \$12 (300 pesos) and sent back home. Fines were \$40 (1,000 pesos) for those who resided illegally in the neighborhoods of Old Havana and Cerro. Human rights observers noted that while the decree affected migration countrywide, it targeted individuals and families predominantly of African descent from the more impoverished eastern provinces.

The Government imposed some restrictions on both emigration and temporary foreign travel. The Government allowed the majority of persons who qualified for immigrant or refugee status in other countries to depart; however, in certain cases the authorities delayed or denied exit permits, usually without explanation. Some denials involved professionals who tried to emigrate and whom the Government subsequently banned from working in their

occupational fields. The Government refused permission to others because it considered their cases sensitive for political or state security reasons. Resolution 54 denies exit permits to medical professionals until they have performed 3 to 5 years of service in their profession after requesting permission to travel abroad. This regulation, normally applied to recent graduates, was not published officially and may have applied to other professionals as well.

On March 24, police confiscated the exit permits of independent journalist Normando Hernandez and his wife Yarahy Reyes as they were preparing to leave the country. Police arrested Hernandez, subjected him to a summary trial and sentenced him to 25 years' imprisonment for alleged acts against the independence and territorial integrity of the State (see Section 1.e.).

The Government routinely denied exit permits to young men approaching the age of military service until they reached the age of 27, even when it authorized other family members to leave. However, in most of those cases approved for migration to the United States under a 1994 migration agreement, the applicants eventually received exemption from obligatory service and were granted exit permits.

The Government has a policy of denying exit permission for several years to relatives of individuals who successfully migrated illegally (for example, merchant seamen who defected while overseas and sports figures who defected while on tours abroad).

Migrants who travel to the United States must pay the Government a total of \$600 per adult and \$400 per child, plus airfare. These government fees for medical exam, passport, and exit visa--which must be paid in dollars--were equivalent to approximately 5 years of a professional person's total peso salary and represented a significant hardship, particularly for political refugees who usually were marginalized. Many political refugees were fired from their jobs for being "politically unreliable" and had no income. At year's end, there were no refugees unable to leave the country because of inability to pay exit fees.

The Penal Code provides for imprisonment of up to 3 years or a fine of \$12 to \$40 (300 to 1,000 pesos) for unauthorized departures by boat or raft. The office of the U.N. High Commissioner for Refugees (UNHCR) stated that it regarded any sentence of more than 1 year for simple illegal exit as harsh and excessive. Under the terms of the May 1995, U.S.-Cuba Migration Accord, the Government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the U.S. Naval Base at Guantanamo, after attempting to emigrate illegally if they had not committed a separate criminal offense.

In 1994, the Government eased restrictions on visits by and repatriations of Cuban emigrants. Citizens who established residency abroad and who were in possession of government-issued permits to reside abroad may travel to the country without visas, although citizens who departed after December 31, 1970, must obtain a costly passport to reenter the country. Persons who are at least 18 years of age are eligible to travel abroad and may remain outside the country for up to 11 months. In 1995, the Government announced that emigrants, who were considered not to have engaged in so-called hostile actions against the Government and who were not subject to criminal proceedings in their countries of residence, could apply at Cuban consulates for renewable, 2-year multiple-entry travel authorizations. However, in 1999, the Government announced that it would deny entry permits for emigrants who had left the country illegally after September 1994. It remained unclear which policy the Government actually was implementing.

The Constitution provides for the granting of asylum to individuals persecuted "for their ideals or struggles for democratic rights against imperialism, fascism, colonialism, and neocolonialism; against discrimination and racism; for national liberation; for the rights of workers, peasants, and students; for their progressive political, scientific, artistic, and literary activities; and for socialism and peace." In practice, the Government has no formal mechanism to process asylum for foreign nationals. In practice, the Government provided protection against refoulement. The Government cooperated with the UNHCR, and provided temporary protection to a small number of persons. There was no information available on its use during the year.

A total of 29 persons applied for refugee status during the year, of which 11 were approved; according to the UNHCR, there were 836 refugees in the country.

### Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens do not have the legal right to change their government or to advocate change, and the Government retaliated systematically against those who sought peaceful political change. The Constitution proscribes any

political organization other than the Communist Party. In 2002, the Government amended the Constitution to restrict further citizens' rights to change the Government, making socialism the "irrevocable" basis of the Constitution. In March, President Castro declared his intent to remain in power for the rest of his life. While the Constitution provides for direct election of provincial, municipal, and ANPP members, the candidates for provincial and national office must be approved in advance by mass organizations controlled by the Government. In practice a small group of leaders, under the direction of President Castro, selected the members of the highest policy-making bodies of the Communist Party: The Politburo and the Central Committee.

The authorities tightly controlled the selection of candidates and all elections for government and party positions. The candidacy committees were composed of members of government-controlled mass organizations such as the Confederation of Cuban Workers (CTC) and the CDRs and were responsible for selecting candidates, whose names then were sent to municipal assemblies that selected a single candidate for each regional seat in the ANPP. An opposition or independent candidate never has been allowed to run for national office.

On January 19, the Government held national elections in which 609 candidates were approved to compete for the 609 seats in the National Assembly. According to the official media, 97.6 percent of registered voters participated in the elections, and the candidates were voted in by 91 percent of the electorate. No candidates with views independent from or in opposition to the Government were allowed to run, and no views contrary to the Government or the Communist Party were expressed in the government-controlled national media. The Government saturated the media and used government ministries, Communist Party entities, and mass organizations to urge voters to cast a "unified vote" where marking one box automatically selected all candidates on the ballot form. In practice, the Communist Party approved candidates for all offices. A small minority of candidates did not belong formally to the Communist Party. The Communist Party was the only political party allowed to participate in the elections.

Deputies in the National Assembly, delegates in the provincial assemblies, and members of the Council of State are elected during general elections every 5 years. Municipal elections are held every 2½ years to elect 14,686 local representatives to the municipal assemblies, the lowest level of the Government's structure. In 2002, the Government held elections for local representatives to the municipal assemblies. Government newspapers reported that 95 percent of voters participated in the election, compared with 98 percent in 2000. Slightly less than 50 percent of those elected were incumbents, 22 percent were women, and 6 percent of all candidates were between the ages of 16 and 30. The reports also claimed that nationwide the number of blank ballots remained steady at 2.8 percent, and the number of annulled ballots decreased from 3 percent to 2.4 percent.

Although not a formal requirement, in practice, Communist Party membership was a prerequisite for high-level official positions and professional advancement.

The Government rejected any change to the political system judged incompatible with the revolution and ignored and actively suppressed calls for democratic reform. In 2002, opposition organization All United (Todos Unidos) delivered a petition to the National Assembly proposing a five-point national referendum on political and economic reforms. This effort, known as the Varela Project and led by Christian Liberation Movement leader Oswaldo Paya, was based on Article 88 of the 1976 Constitution, which permits citizens to propose legislation if such proposals are backed by at least 10,000 citizens; the Varela petition had 11,020 signatures. The Varela Project called for an end to limits on freedom of association, an amnesty for nonviolent political prisoners, reduced barriers to private enterprise, electoral reforms, and free elections within a year of the referendum. In an apparent effort to reject the Varela Project without publicly addressing it, the Government mobilized citizens to sign a petition making the socialist character of the Constitution "untouchable." The Government claimed that 99.37 percent of eligible voters signed the government petition requesting such a modification to the Constitution. The National Assembly unanimously passed the amendment making socialism the irrevocable basis of the Constitution. The changes did not rescind the right of citizens to propose legislation, and Varela organizers continued to collect signatures in support of their proposal.

On October 3, Paya submitted a second Varela petition to the ANPP with over 14,000 signatures. Government officials detained persons working in support of Project Varela and retaliated against certain persons who signed the petition. At least 21 of the 75 activists sentenced to lengthy prison terms in April were Varela organizers. The authorities jailed all of the key figures in the Christian Liberation Movement with the exception of Oswaldo Paya.

On February 5, the Supreme Court suspended municipal judge Iosdel Trujillo Vivas of Santa Clara Province for having signed the Varela petition.

On June 18, officials expelled Yailen Labores Rojas from her job as an agronomy professor for having signed the



Varela petition. Officials told her that she was removed for being "politically unreliable." Labores did not belong to an opposition organization.

Government leadership positions continued to be dominated by men. There were no legal impediments to women voting, holding political office, or rising to political leadership; however, there were very few women or minorities in policymaking positions in the Government or the Communist Party. There were 2 women in the 24-member Politburo and 20 in the 150-member Central Committee. Women held 218 seats in the 609-seat National Assembly. Although blacks and persons of African descent made up more than half the population, they held only six seats in the Politburo. Following the selection of the new ANPP in January, government-run Granma reported that the National Assembly was 67 percent white, 22 percent black, and 11 percent mestizo.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not recognize any domestic human rights groups or permit them to function legally. The Government subjected domestic human rights advocates to intense intimidation, harassment, and repression. In violation of its own statutes, the Government refused to consider applications for legal recognition submitted by human rights monitoring groups (see Section 2.b.).

Dissidents generally believed that most human rights organizations were infiltrated and subjected to constant surveillance. Activists believed that some of the dissidents were either state security officials or were persons attempting to qualify for refugee status to leave the country. Public identification of suspected state infiltrators was a crime punishable by 8 to 15 years' imprisonment.

In April, authorities confirmed that 12 purported dissidents were in fact agents of the Ministry of the Interior. Those identified were Noel Ascanio Montero, Nestor Bague Sanchez, Odilia Collazo Valdes, Aleida Godinez Soler, Otuardo Hernandez Rodriguez, Ana Rosa Jorna Calixto, Roberto Martinez, Manuel David Orrio del Rosario, Yamila Perez Reyes, Pedro Serrano Urra, Pedro Luis Veliz Martinez, and Alicia Zamora Labrada. The 12 infiltrators testified against several of the 75 human rights activists and independent journalists subjected to summary trials in April.

In August, the Government released a book alleging that noted human rights monitor Elizardo Sanchez Santa Cruz, of the Cuban Commission for Human Rights and National Reconciliation, had been a state security agent since 1997. Sanchez denied having acted as a government agent, although he acknowledged having been in discussions with government officials for many years in an effort to negotiate improved human rights conditions.

The Government steadfastly rejected international human rights monitoring. In 1992, the country's U.N. representative stated that the Government would not recognize the mandate of the U.N. Commission on Human Rights on Cuba and would not cooperate with the Special Rapporteur on Cuba, despite being a UNCHR member. This policy remained unchanged, and the Government refused even to acknowledge requests by the Special Rapporteur to visit the country. On April 17, the UNCHR passed a resolution that expressed concern about the human rights situation in the country and repeated its earlier call to receive the visit of Christine Chanet, the personal representative for Cuba of the U.N. High Commissioner for Human Rights. At year's end, the Government had not allowed the representative to visit the country as required by the UNCHR resolution.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The country is a multiracial society with a black and mixed-race majority. The Constitution forbids discrimination based on race, sex, or national origin; however, evidence suggested that racial discrimination occurred frequently. The Government restricted the migration of persons found to be HIV-positive to sanatoriums for treatment and therapy before conditionally releasing them into the community.

#### Women

Violent crime rarely was reported in the press, and there was no publicly available data regarding the incidence of domestic violence and rape; however, human rights advocates reported that violence against women was a problem. The law establishes strict penalties for rape, and the Government enforced the law; however, according to human rights advocates, the police did not act on cases of domestic violence.

The 2000 report of the U.N. Special Rapporteur on Violence Against Women stated that most government officials did not view violence against women as prevalent; however, activists at the grassroots level were attuned to problems of violence affecting women. The Rapporteur urged the Government to take comprehensive steps to enhance the legal protection against violence against women and urged the adoption of legislation to address domestic violence and sexual harassment.

Prostitution is legal for persons over 17 years of age; however, pandering or otherwise benefiting from prostitution is a felony. Prostitution increased greatly in recent years. Press reports indicated that tourists from various countries visited specifically to patronize inexpensive prostitutes. A government crackdown on prostitution that began in late 1998 initially had some effect, but prostitutes (known as "jineteras") still were visible in Havana and other major cities during the year. Police obtained early success in their efforts by stationing officers on nearly every major street corner where tourists were present. Some street police officers were suspected of providing protection to the jineteras. Most observers believed that the Government clamped down on prostitution to combat the perception that the Government promoted sex tourism. The Government set up centers to take prostitutes off the streets and reeducate them. The U.N. Special Rapporteur's report recommended that the Government dismantle the centers and find "other mechanisms that do not violate the rights of the prostitutes." There was no information available regarding whether or not the Government dismantled these centers.

The Family Code states that women and men have equal rights and responsibilities regarding marriage, divorce, raising children, maintaining the home, and pursuing a career. Women were subject to the same restrictions on property ownership as men. The law provides up to 1 year of maternity leave and grants working mothers preferential access to goods and services. Approximately 40 percent of all women worked, and they were well represented in many professions. According to the Cuban Women's Federation (FMC), a mass organization affiliated with the Communist Party, in 2000, women held 33 percent of managerial positions. The FMC also asserted that 11,200 women had received land parcels to cultivate, that more than 561,000 women had begun working as agricultural workers, and that women devoted 34 hours a week to domestic work, approximately the same number of hours they spent working outside the home.

#### Children

The Constitution provides that the Government protect family, maternity, and matrimony. It also states that all children have the same rights under the law and notes the duties of parents to ensure their protection. The law requires school attendance until the ninth grade, and this law generally was respected in practice. Education was free, but it was grounded in Marxist ideology. State organizations and schools were charged with the integral formation of children and youth. The national health care system covered all citizens.

Although not covered in the official media, there were occasional reports of child abuse; however, there was no societal pattern of child abuse. Police officers who found children loitering in the streets or begging from tourists frequently intervened and tried to find the parents. If a child was found bothering tourists more than once, police frequently fined the child's parents. Although work camps for adolescents still exist, the duration is considerably shorter than in the period before 1990. Students were pressured to enlist for up to a week of "volunteer labor" in rural areas.

Child prostitution was a problem, with young girls engaging in prostitution to help support themselves and their families. The police generally enforced laws on underage prostitution; however, the phenomenon continued as more cabarets and discos opened for the growing tourist industry, which made it easier for tourists to come into contact with child prostitutes. Workers at some tourist facilities appeared to tolerate both legal and underage prostitution. The Government did not publicly acknowledge the prevalence of child prostitution; however, the Government prosecuted persons involved in child prostitution and child pornography and assisted other countries in international investigations of child sexual abuse.

#### Persons with Disabilities

The law prohibits discrimination based on disability, and there were few complaints of such discrimination. There are no laws that mandate accessibility to buildings for persons with disabilities. In practice, buildings and transportation rarely were accessible to persons with disabilities.

#### National/Racial/Ethnic Minorities

Many persons of African descent have benefited from access to basic education and medical care since the 1959 revolution, and much of the police force and army enlisted personnel is black. Nevertheless, racial discrimination

often occurred and was acknowledged publicly by high governmental officials, including President Castro during remarks at the World Conference on Racism in South Africa. President Castro acknowledged that the revolution had not eradicated racism. There were numerous reports of disproportionate police harassment of black youths. Evictions, exacerbated by Decree 217, primarily targeted individuals and families who migrated to Havana from the eastern provinces, which were traditionally areas of black or mixed-race populations (see Section 2.d.).

## Section 6 Worker Rights

### a. The Right of Association

The Constitution gives priority to state or collective needs over individual choices regarding free association or provision of employment. The demands of the economy and society take precedence over individual workers' preferences. Established official labor organizations have a mobilization function and do not act as trade unions, promote worker rights, or protect the right to strike. Such organizations were under the control of the State and the Communist Party, which also managed the enterprises for which the laborers worked. Because all legal unions were government entities, anti-union discrimination by definition did not exist.

The Communist Party selects the leaders of the sole legal labor confederation, the CTC, whose principal responsibility is to ensure that government production goals are met. Despite disclaimers in international forums, the Government explicitly prohibited independent unions, and none were recognized. There has been no change in conditions since the 1992 International Labor Organization (ILO) finding that the Government violated ILO norms on the freedom of association and the right to organize. Those who attempted to engage in unofficial union activities faced government harassment. On June 10, the International Labor Conference concluded that government law and practice were in violation of ILO Convention 87 on Freedom of Association. The Applications Committee of the International Labor Conference also called upon the Government to release trade unionists arrested in March and urged the Government to accept an ILO mission to verify labor conditions and to work with the Government to ensure full compliance with Convention 87. The Government rejected the Application Committee's conclusions and any possibility of an ILO mission.

In November, the ILO's Committee on Freedom of Association (CFA) criticized the authorities' recognition of only a single official union and prohibition of independent trade unions. The CFA also cited the absence of collective bargaining and the right to strike, the arrest and harassment of union members, government infiltration of independent unions, and illegal house searches. The CFA expressed particular concern regarding the arrests and lengthy imprisonment of seven union organizers in March and April and recommended that the ILO Direct Contacts Mission investigate the situation. The Government representative denounced the ILO and CFA as "stooges" of a foreign government and rejected any possibility of a Direct Contacts Mission.

Workers may lose--and many have lost--their jobs for their political beliefs, including their refusal to join the official union. Several small independent labor organizations were created but functioned without legal recognition, were subject to infiltration by Government agents, and were unable to represent workers effectively or work on their behalf.

On April 5, the Havana City Provincial Court sentenced Pedro Pablo Alvarez Ramos, leader of the illegal United Cuban Workers Council, to 25 years' imprisonment for acts against the independence or the territorial integrity of the State. The sentencing document indicated Alvarez was convicted in part for having links to international trade unions, including the Latin American Workers Central union and the Venezuelan Workers Central union, and for reporting workers rights violations to the ILO.

On April 5, the Havana City Provincial Court sentenced Carmelo Agustin Diaz Fernandez of the United Cuban Workers Council to 16 years' imprisonment for acts against the independence or the territorial integrity of the State.

The CTC is a member of the Communist World Federation of Trade Unions.

### b. The Right to Organize and Bargain Collectively

Collective bargaining does not exist. The State Committee for Work and Social Security (CETSS) sets wages and salaries for the state sector, which is virtually the only employer in the country. The law prohibits strikes, and none were known to have occurred during the year. The 1995 Foreign Investment Law denies workers the right to contract directly with foreign companies investing in the country without special government permission. Although a few firms managed to negotiate exceptions, the Government required foreign investors and diplomatic missions to contract workers through state employment agencies, which were paid in foreign currency and, in turn, paid

workers very low wages in pesos. Typically workers received 5 percent of the salary paid by the companies to the State. Workers subcontracted by state employment agencies must meet certain political qualifications. According to Minister of Basic Industry Marcos Portal, the state employment agencies consulted with the Party, the CTC, and the Union of Communist Youth to ensure that the workers chosen "deserved" to work in a joint enterprise.

There are no functioning export processing zones, although the law authorizes the establishment of free trade zones and industrial parks.

#### c. Prohibition of Forced or Bonded Labor

Neither the Constitution nor the Labor Code prohibits forced or bonded labor. The Government maintained correctional centers where it sent persons for crimes such as dangerousness. Prisoners held in such centers were forced to work on farms or building sites doing construction, agricultural work, or metal work. The authorities often imprisoned noncooperative internees.

In September, a prisoner at El Anoncillo minimum-security prison reported that inmates were forced to perform agricultural work for 12 hours per day without remuneration. The prisoner stated that the food was poor and that there were no baths or medical facilities at the camp. Prison guards threatened to send inmates to a maximum-security prison if they failed to work and to place them in isolation cells if they complained.

The Government employed special groups of workers, known as "microbrigades," who were reassigned temporarily from their usual jobs to work on special building projects. These microbrigades were increasingly important in the Government's efforts to complete tourist and other priority projects. Workers who refused to volunteer for these jobs often risked discrimination or job loss. Microbrigade workers reportedly received priority consideration for housing assignments. The military assigned some conscripts to the Youth Labor Army, where they served a 2-year military service requirement working on farms that supplied both the armed forces and the civilian population.

The Government prohibits forced and bonded labor by children; however, the Government required children to work. Secondary school students were expected to devote up to 15 days of their summer vacation completing a variety of tasks ranging from farm labor to urban cleanup projects, and were paid a small wage for this labor. Students in post-secondary institutions (technical schools, university preparatory schools, and agricultural institutes) were expected to devote 30 to 45 days per year on mainly agricultural work. According to school rules, refusal to do agricultural work could affect the student's ability to continue studying at the institution.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum working age is 17 years. However, the Labor Code permits the employment of 15- and 16-year-old children to obtain training or to fill labor shortages. The country has not ratified ILO Convention 182, but the Government adhered to Convention 182 standards concerning the elimination of the worst forms of child labor.

#### e. Acceptable Conditions of Work

The CETSS sets the minimum wage, which varies by occupation. For example, the minimum monthly wage for a maid was \$6.35 (165 pesos); for a bilingual office clerk, \$7.30 (190 pesos); and for a gardener \$8.30 (216 pesos). The Government supplemented the minimum wage with free education, subsidized medical care (daily pay is reduced by 40 percent after the third day of being admitted to a hospital), housing, and some food (this subsidized food is enough for approximately 1 week per month). However, even with these subsidies, the minimum wage did not provide a decent standard of living for a worker and family. Corruption and black market activities were pervasive. The Government rationed most basic necessities such as food, medicine, clothing, and cooking gas, which were in very short supply.

The Government required foreign companies in joint ventures with state entities to hire and pay workers through the State (see Section 6.b.). HRW noted that the required reliance on state-controlled employment agencies effectively left workers without any capacity directly to negotiate wages, benefits, the basis of promotions, or the length of the workers' trial period at the job with the employer. Foreign companies paid the Government as much as \$500 to \$600 per worker per month, while the workers received only a small fraction of that in pesos from the Government.

The standard workweek was 44 hours, with shorter workweeks in hazardous occupations, such as mining. The

Government reduced the workday in some government offices and state enterprises to save energy.

Workplace environmental and safety controls usually were inadequate, and the Government lacked effective enforcement mechanisms. Industrial accidents apparently were frequent, but the Government suppressed such reports. The Labor Code establishes that a worker who considers his life in danger because of hazardous conditions has the right not to work in his position or not to engage in specific activities until such risks are eliminated. According to the Labor Code, the worker remains obligated to work temporarily in whatever other position may be assigned him at a salary provided for under the law.

In July, administrators at the Gerardo Abreu Fontan candy factory in Havana fired maintenance foreman Julian Diaz for refusing to work on a high-voltage power line without the proper safety equipment. Diaz requested assistance from the union representative, but the union representative advised Diaz not to challenge the firing or otherwise "make trouble" for the candy factory.

#### f. Trafficking in Persons

The Penal Code prohibits trafficking in persons. Although there were no reports that persons were trafficked to or from the country, there were incidents of trafficking, in the form of child prostitution, within the country that were not reported in the official media.

The code also provides for penalties for violations, including a term of 7 to 15 years' imprisonment for organizing or cooperating in alien smuggling through the country; 10 to 20 years' imprisonment for entering the country to smuggle persons out of the country; and 20 years to life in prison for using violence, causing harm or death, or putting lives in danger in engaging in such smuggling. These provisions were directed primarily at persons engaging in organized smuggling of would-be emigrants. In addition, the revised code made it illegal to promote or organize the entrance of persons into or the exit of persons from the country for the purpose of prostitution; violators were subject to 20 to 30 years' imprisonment.

Child prostitution was a problem, with young girls engaging in prostitution to help support themselves and their families (see Section 5).